LAWLER, METZGER & MILKMAN, LLC

ORIGINAL ORIGINAL

1909 K STREET, NW SUITE 820 WASHINGTON, D.C. 20006 PHONE (202) 777-7700 FACSIMILE (202) 777-7763

EX PARTE OR LATE FILED

August 18, 1999

RECEIVED

BY HAND

AUG 1 8 1999

Magalie Roman Salas, Secretary Federal Communications Commission 445 Twelfth Street, S.W. - Suite TW-A325 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket Nos. 96-98 and 95-185

Dear Ms. Salas:

On August 18, 1999, the enclosed written *ex parte* of NorthPoint Communications, Inc. was provided to the Office of Chairman Kennard and the Offices of Commissioners Ness, Furchtgott-Roth, Powell and Tristani. This enclosure was filed previously by NorthPoint in the above-referenced proceedings.

In accordance with section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1), an original and one copy of this letter and enclosure are being provided to you for inclusion in the public records of each of the above-referenced proceedings.

Sincerely,

A. Richard Hutzpar. A. Richard Metzger, Jr.

Enclosure

cc: Dorothy Atwood, Legal Advisor to Chairman Kennard
Linda Kinney, Legal Advisor to Commissioner Ness
William Bailey, Legal Advisor to Commissioner Furchtgott-Roth
Kyle Dixon, Legal Advisor to Commissioner Powell
Sarah Whitesell, Legal Advisor to Commissioner Tristani

No. of Copies rec'd O+ List ABCDE

UNBUNDLED TRANSPORT

CC DOCKET NO. 96-98

NORTHPOINT COMMUNICATIONS, INC.

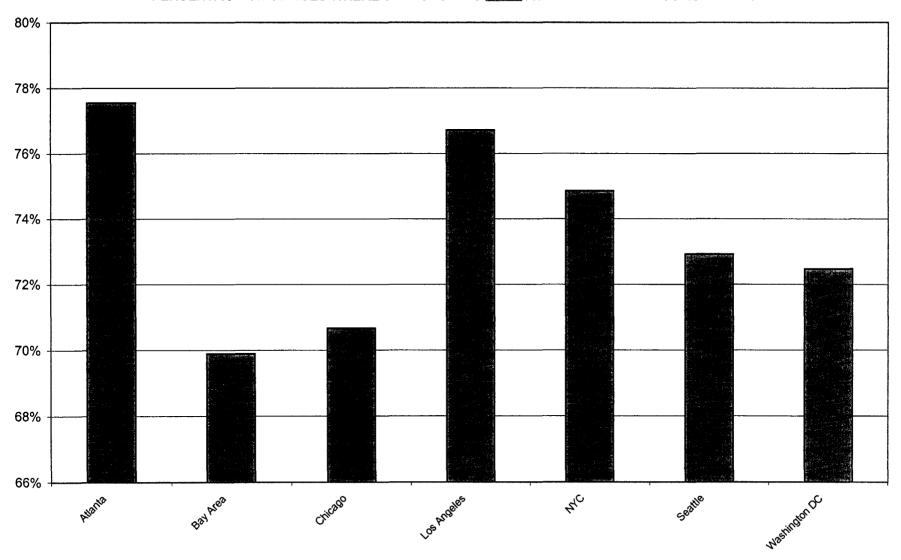
AUGUST 1999

In Most Offices Where NorthPoint Is Or Plans To Be Co-Located, Incumbent LECS Are The Only Providers Of Interoffice Transport

- NorthPoint prepares to enter a market by developing a business plan for a metropolitan area
- Metropolitan area for this business planning purpose may be somewhat larger or smaller than the applicable Metropolitan Statistical Area or other formally defined geographic area
- As part of its business plan, NorthPoint seeks to use non-incumbent LEC transport facilities and services whenever possible

- NorthPoint periodically surveys markets it has entered or plans to enter to determine whether alternative transport services or facilities are available in offices where it is or will be co-located
- Bar chart shows the results of surveys conducted since the first quarter of 1999 for certain metropolitan areas where NorthPoint has installed co-located facilities
- Supporting data show specific number of offices in each metropolitan area where competitive transport is and is not available

OFFICES IN WHICH NORTHPOINT IS OR PLANS TO BE COLLOCATED PERCENTAGE OF OFFICES WHERE TRANSPORT IS ONLY AVAILABLE FROM INCUMBENT LEC



NorthPoint Transport Provisioning Statistics

	CO Buildout	COs with only ILEC Tx	COs with non- ILEC Tx	% ILEC only
Atlanta	49	38	11	78%
Bay Area	93	65	28	70%
Chicago	75	53	22	71%
Los Angeles	146	112	34	77%
NYC	167	125	42	75%
Seattle	48	35	13	73%
Wash. D.C.	69	50	19	72%

NOTE: Bay Area refers to San Francisco and surrounding area, including Oakland, Palo Alto and San Jose

Presence of Non-Incumbent LEC Transport Facilities Does Not Necessarily Signify Competitive Transport Is Available

- Non-incumbent LEC with transport facilities may use those facilities solely to provide service for its own traffic
- Non-incumbent LEC may not have adequate capacity to handle traffic from competitive LECs, such as NorthPoint
- Non-incumbent LEC may use unbundled transport elements from incumbent LECs as part of its transport network